

1 BILL NO. Z-74-05-52

2 ZONING ORDINANCE NO. Z- fish

3 An Ordinance amending Section 3, Article II,
4 and Section 13, Article IV of Chapter 36 of
5 the Municipal Code of the City of Fort Wayne,
6 Indiana, providing for Barber Shop, Beauty
Parlor, Insurance and similar office uses as
Home Occupation Uses in All Districts follow-
ing Board of Zoning Appeals Approval.

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
8 FORT WAYNE, INDIANA:

9 SECTION 1. Section 3, (27) of Article II, of the Fort
10 Wayne Municipal Code, Chapter 36, is hereby repealed and in lieu
11 thereof a new Section 3, (27) of Article II of the Fort Wayne
12 Municipal Code, Chapter 36, is hereby enacted as follows:

13 Section 3. Definitions.

14 (27) Home Occupation--Any use conducted
15 entirely within a dwelling and participated in
16 solely by members of the family, which use is
17 clearly incidental and secondary to the use of
18 the dwelling for dwelling purposes and does not
change the character thereof and in connection with
which there is no commodity sold upon the premises
except that which is produced thereon, and provided,
however, in no event shall a tea room or animal
hospital be construed as a home occupation.

19 SECTION 2. Section 13 of Article IV, of the Fort Wayne
20 Municipal Code, Chapter 36, is hereby amended by adding thereto a
21 new subsection G. of Section 13 of Article IV of the Fort Wayne
22 Municipal Code, Chapter 36, which is hereby enacted as follows:

23 Section 13. Special Uses--Specified Districts.


24 G. In R1, R2, R3, RA and RB Districts the Board may
25 permit beauty parlors, barber shops, insurance and
26 similar offices which satisfy all the requirements for
"Home Occupation", as such term is defined in this
27 Chapter, for a period not to exceed one year from the
date of the special use Improvement Location permit
28 issued by authority of the Board. The special use
Improvement Location permit may be reissued on each
29 subsequent annual expiration date for an additional
year if the Board finds that the public convenience
30 and welfare will be substantially served and that
the proposed renewal will not be unduly detrimental
31 to the surrounding area. A public hearing will not
be required for renewal permits.

32 SECTION 3. If any part, parts, section, sections, provision,
33 clause or portion of this ordinance shall be adjudged invalid or
34 unconstitutional, such invalidity or unconstitutionality shall not
35 affect the validity or constitutionality of this ordinance as a whole

1 or any part, section, clause, provision or portion of this ordinance.

2 SECTION 4. This ordinance shall be in full force and
3 effect from and after its passage, approval by the Mayor, and
4 legal publication thereof.

5 
6 Councilman

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13 APPROVED AS TO FORM
14 AND LEGALITY,
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16 CITY ATTORNEY
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Read the first time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 5/28/74

Charles W. Whistman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

	AYES <u>2</u>	NAYS <u>6</u>	ABSTAINED <u>1</u>	ABSENT _____ to-wit:
BURNS	<u>X</u>	<u>X</u>		
HINGA		<u>X</u>		
KRAUS		<u>X</u>		
MOSES		<u>X</u>		
NUCKOLS			<u>X</u>	
SCHMIDT, D.	<u>X</u>			
SCHMIDT, V.	<u>X</u>			
STIER		<u>X</u>		
TALARICO		<u>X</u>		

DATE: 7-8-74

Charles W. Whistman
CITY CLERK

~~Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. _____ on the Five day of July, 1974.~~

ATTEST: (SEAL)

Charles W. Whistman
CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

Charles W. Whistman
CITY CLERK

Approved and signed by me this _____ day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE TEXT AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 28, 1974, referred a proposed zoning text amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-74-05-52; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

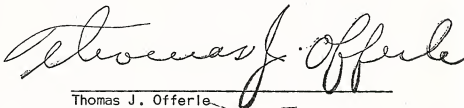
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 17, 1974;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Text of the Zoning Ordinance to be amended, and the amendment will be in the best interest of and benefit to the City of Fort Wayne;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 17, 1974.

Certified and signed this
19th day of June, 1974.



Thomas J. Offerle
Secretary

Adopted
and July 2nd meeting

Bill No. Z-74-05-52

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending Section 3, Article II, and Section 13, Article IV of Chapter 36
of the Municipal Code of the City of Fort Wayne, Indiana, providing for
Barber Shop, Beauty Parlor, Insurance and similar office uses as
Home Occupation Uses in All Districts following Board of Zoning Appeals
Approval

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

John Nuckols
Vivian G. Schmidt

W. T. Hinga



THE CITY OF FORT WAYNE

office of city plan commission

May 24, 1974

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). This resolution was acted upon by the City Plan Commission at their regular meeting held May 20, 1974.

This is an ordinance amending Section 3, Article II, and Section 13, Article IV of Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, providing for Barber Shop, Beauty Parlor, Insurance and similar office uses as Home Occupation Uses in All Districts following Board of Zoning Appeals Approval.

Through this resolution, the Plan Commission hereby petitions the Common Council to introduce the attached ordinance and refer it back to the Plan Commission for further study and a public hearing.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

Richard S. Wanush
Senior Planner

RSW:pr
ATT.

cc: Mayor Ivan Lebamoff

RESOLUTION FOR ZONING ORDINANCE AMENDMENT

RESOLVED, that the Fort Wayne City Plan Commission request that the Fort Wayne City Council introduce the attached ordinance concerning an amendment to the Zoning Ordinance. This is an ordinance amending Section 3, Article II, and Section 13, Article IV of Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, providing for Barber Shop, Beauty Parlor, Insurance and similar office uses as Home Occupation Uses in All Districts following Board of Zoning Appeals Approval.

BE IT FURTHER RESOLVED that the City Council refer said ordinance to the City Plan Commission for further study and for a public hearing.

Certified and signed this
24th day of May, 1974.



Thomas J. Offerle
Secretary